

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of
Mary Dunne
Respondent

Civil Citation No. 76174
13223 Eastern Avenue

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 19, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-401 (a)(1); 13-7-310(a), failure to cut all tall grass and weeds, failure to remove all junk, trash and debris on residential property known as 13223 Eastern Avenue, 21220.

On May 3, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Ryan Fisher issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 21, 2010 for removal of trash and debris, cut tall grass and weeds, seal exterior openings from rodents and pests, seal and secure all doors and windows. This Citation was issued on May 3, 2010.

B. Notes in the file state that the house appears to be vacant. Court records show the property is in foreclosure proceedings. Photographs in the file show junk, trash and debris in the yard and on the porch of this house, including a vacuum, broken wagon, numerous plastic bottles, cardboard, and old pipe and lumber. Re-inspection on May 18, 2010 found the grass had been cut in the front yard and the open window had been secured, but the junk, trash and debris remained in the yard and on the outside porch. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

C. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below. If the violations are not corrected, the County will be authorized to enter the property for the purpose of correcting the violations.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by June 10, 2010.

IT IS FURTHER ORDERED that after June 10, 2010 the County may enter the property for the purpose of removing all junk, trash, debris, and garbage, at the property owner's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 1st day of June 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer